

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shelley D. Minteer et al.
Serial No.: 10/598,591
Filed: September 15, 2006
Confirmation No.: 2480
For: MICROFLUIDIC BIOFUEL CELL
Examiner: Stephen J. Kalafut

Art Unit: 1795

January 12, 2010

REQUEST FOR RECONSIDERATION OF THE PATENT
TERM ADJUSTMENT PURSUANT TO 37 C.F.R. 1.705

COMMISSIONER FOR PATENTS

SIR:

Applicants submit the following petition requesting reconsideration of the patent term adjustment determination and setting forth Applicants' asserted adjustment.

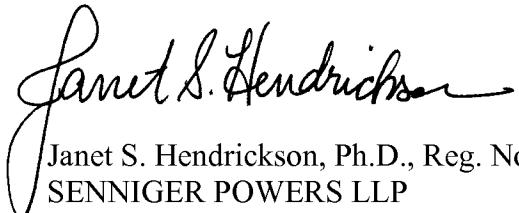
In response to the September 16, 2009, notice of issuance for the above-referenced patent, Applicants respectfully request reconsideration of the patent term adjustment determination. Pursuant to 37 CFR § 1.705(b), Applicants submit the following statement of facts in support of this request for reconsideration.

The international filing date for the PCT application was January 19, 2005. The first Office action was mailed on March 13, 2008, which is seven hundred twenty five (725) days after the fourteen (14) month due date for the mailing of a first office action on the merits. Only one subsequent response was filed with a one month extension after the 3 month date, so the applicant delay was 31 days. Subsequent Office actions were mailed within the time limits.

Applicants respectfully submit that the patent term adjustment under 37 CFR § 1.705(b) should be increased by 694 days to a total of 694 days; the total PTO delay of 725 days minus the total applicant delay of 31 days. This correction should bring the total patent term adjustment to 694 days. Applicants respectfully request a correction in the patent term adjustment to reflect the same.

Applicants' provide a \$200.00 fee under 37 C.F.R. § 1.18(e) herewith. The commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,



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